

1
2 UNITED STATES DISTRICT COURT
3 DISTRICT OF NEVADA

4 ***

5 STANFORD B. PERALTA,

6 Plaintiff,

2:17-cv-03081-RFB-VCF

7 vs.

ORDER

8 MTC FINANCIAL, INC., *et al.*,

9 Defendants.
10

11 Before the Court is Plaintiff's Ex Parte Motion for Enlargement of Time to Serve Summons. (ECF
12 NO. 9).

13 Plaintiff is seeking additional time to serve defendants.

14 **Extension For Service**

15 Federal Rule of Civil Procedure 4(m) requires a defendant to be served within 90 days after the
16 complaint is filed. If "the plaintiff shows good cause for the failure [to serve a defendant within that time-
17 frame], the court must extend the time for service for an appropriate period." Fed. R. Civ. P. 4(m).

18 Plaintiff asks this court to extend the 4(m) deadline to May 18, 2018. (ECF No. 9). The Complaint
19 was filed on December 19, 2017. (ECF No. 1). On January 12, 2018, Plaintiff filed an Amended
20 Complaint (ECF NO. 5) seeking injunctive relief. (ECF No. 5). Judge Boulware ordered Plaintiff to file
21 a separate motion for relief indicating the injunctive relief sought. (ECF No. 6). Plaintiff has not filed a
22 separate motion but instead filed a second amended complaint also seeking injunctive relief. (ECF No.
23 7).

24 Plaintiff has not demonstrated "good cause" for his failure to effectuate service, the 4(m) deadline
25 will not be extended. *See* Fed. R. Civ. P. 4(m). Plaintiff asserts that he has no opportunity effectuate
service on defendants. This is does not constitute good cause. Plaintiff gives no other reason why he has

1 not attempted service on defendants in his motion. The last day to effectuate service on defendants was
2 March 19, 2018. The filing of an amended complaint does not extend the time to serve defendants that are
3 listed on the original complaint (ECF No. 1).

4 The court recognizes that Plaintiff is appearing *pro se* in this action. Nevertheless, he is still
5 required to follow the rules and orders of the court and should familiarize himself with the Federal Rules
6 of Civil Procedure as well as the Local Rules of this court. *See Jacobsen v. Filler*, 790 F.2d 1362, 1364-
7 65 (9th Cir. 1986) (holding that *pro se* parties are not excused from following the rules and orders of the
8 court). Pursuant to Local Rule IA 11-8, “[t]he Court may, after notice and opportunity to be heard, impose
9 any and all appropriate sanctions on an attorney or party who, without just cause: (a) Fails to appear when
10 required for pretrial conference, argument on motion, or trial; (b) Fails to prepare for a presentation to the
11 Court; (c) Fails to comply with these Rules; or, (d) Fails to comply with any order of this Court.”

12 Here, Plaintiff failed to comply with Rule 4(m).

13 Accordingly, IT IS HEREBY ORDERED that Plaintiff’s Ex Parte Motion for Enlargement of
14 Time to Serve Summons (ECF NO. 9) is DENIED.

15 IT IS FURTHER ORDERED that a show cause hearing is scheduled for **10:00 AM, July 2, 2018**,
16 in Courtroom 3D, Lloyd D. George U.S. Courthouse, U.S. District Court- District of Nevada-Las Vegas,
17 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101.

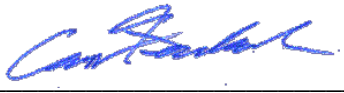
18 IT IS FURTHER ORDERED that Plaintiff STANFORD B. PERALTA must appear in person at
19 the 10:00 AM, July 2, 2018 hearing.

20 IT IS FURTHER ORDERED that on or before June 25, 2018, Plaintiff STANFORD B. PERALTA
21 must file with the court a response showing cause as to why he should not be sanctioned for failing to
22 comply with Fed. R. Civ. P. 4(m). Should Plaintiff STANFORD B. PERALTA fail to file a response as
23 ordered and/or fail to appear at the July 2, 2018 hearing, the undersigned Magistrate Judge may
24 recommend that Plaintiff’s case be dismissed.

1 The Court Clerk is directed to mail a copy of this order to Plaintiff STANFORD B. PERALTA at
2 the address below:

3
4 Stanford B Peralta
3021 S Valley View Blvd, Ste. 113
5 Las Vegas, NV 89102

6 DATED this 11th day of June, 2018.

7 
8 CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE